

DETAILED ACTION

Specification

1. The amendment filed 30 November 2011 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the association of an item in the drawings with agglutinating.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 5, 7, 9 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In claim 5, "means for agglutinating..." is considered new matter because the specification has been changed to newly associate an item in the drawings with agglutinating.

4. Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 5, 7, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Birdseye (US 2,419,876). Regarding claim 5, and 16 Birdseye discloses a device comprising a first enclosed chamber (for example a portion of 10 above 34) having upper and lower portions; an inlet (14) in the upper portion, and outlet (between 30 and 37) in the lower portion, inclined conveyors (see Figs. 8-11), means (16) for radiant heating, means (71) for evacuating; and a second enclosed chamber (for example a portion of 10 below (34) having an upper portion and a lower portion, an inlet (the space between 30 and 37), an outlet (65) in the lower portion, inclined conveyors (see Figs. 8-11); means (16) for radiant heating; means (36) for evacuating; and means (conveyor 37) for agglutinating. Regarding claim 7, the chambers are substantially parallelepipedal (see Fig. 1) and means (25 or 81) for vibrating are disclosed. Regarding claim 15, horizontal conveyors are disclosed (see Fig. 1).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Birdseye (US 2,419,876) in view of Nagai et al. (US 4,957,710). The device of Birdseye was

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discussed above. Birdseye does not explicitly disclose a catalyst. Nagai teaches providing decomposition catalysts to eliminate unwanted substances for the exhaust of drying furnaces (see col. 1, lines 10-50). It would have been obvious to one of ordinary skill in the art to have provided the device of Birdseye with decomposition catalysts to eliminate unwanted substances for the exhaust of the drying chambers (see col. 1, lines 10-50).

Response to Arguments

9. In Birdseye, Figs. 8-11 each show inclined conveyor portions. Applicant does not explain why these do not meet the language of claim 5. Applicant only addresses Fig. 10, but even in Fig. 10 the overall purpose of the conveyor system is to take material from an upper inlet to a lower outlet.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID SORKIN whose telephone number is (571)272-1148. The examiner can normally be reached on Mon.-Fri. 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter D. Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DAVID L. SORKIN/
Primary Examiner, Art Unit 1774